

105TH CONGRESS
2D SESSION

S. 1763

To restore food stamp benefits for aliens.

IN THE SENATE OF THE UNITED STATES

MARCH 16, 1998

Mr. WELLSTONE introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To restore food stamp benefits for aliens.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Food Stamp Benefits
5 for Aliens Restoration Act of 1997”.

6 **SEC. 2. LIMITED ELIGIBILITY OF QUALIFIED ALIENS FOR**
7 **CERTAIN FEDERAL PROGRAMS.**

8 (a) IN GENERAL.—Section 402(a) of the Personal
9 Responsibility and Work Opportunity Reconciliation Act
10 of 1996 (8 U.S.C. 1612(a)) (as amended by section 5301,
11 5302(a), 5303(a), and 5304 of the Balanced Budget Act

1 of 1997 (Public Law 105–33; 111 Stat. 597, 598, 600))

2 is amended—

3 (1) in paragraph (2)—

4 (A) in subparagraph (A)—

5 (i) by striking clause (ii);

6 (ii) by striking “ASYLEES.—” and all
7 that follows through “paragraph (3)(A)”
8 and inserting “ASYLEES.—With respect to
9 the specified Federal program described in
10 paragraph (3)’”; and

11 (iii) by redesignating subclauses (I)
12 through (IV) as clauses (i) through (iv)
13 and indenting appropriately;

14 (B) in subparagraph (D)—

15 (i) by striking clause (ii); and

16 (ii) in clause (i)—

17 (I) by striking “(i) SSI.—” and
18 all that follows through “paragraph
19 (3)(A)” and inserting the following:

20 “(i) IN GENERAL.—With respect to
21 the specified Federal program described in
22 paragraph (3)’”; and

23 (II) by redesignating subclauses

24 (II) through (IV) as clauses (ii)

1 through (iv) and indenting appro-
 2 priately;

3 (III) by striking “subclause (I)”
 4 each place it appears and inserting
 5 “clause (i)”; and

6 (IV) in clause (iv) (as redesign-
 7 nated by subclause (II)), by striking
 8 “this clause” and inserting “this sub-
 9 paragraph”; and

10 (C) in subparagraphs (E) through (H), by
 11 striking “paragraph (3)(A)” each place it ap-
 12 pears and inserting “paragraph (3)”; and
 13 (2) in paragraph (3)—

14 (A) by striking “means any” and all that
 15 follows through “The supplemental” and insert-
 16 ing “means the supplemental”; and

17 (B) by striking subparagraph (B).

18 (b) CONFORMING AMENDMENTS.—

19 (1) Section 402(b)(2)(F) of the Personal Re-
 20 sponsibility and Work Opportunity Reconciliation
 21 Act of 1996 (8 U.S.C. 1612(b)(2)(F)) (as added by
 22 section 5305(b) of the Balanced Budget Act of 1997
 23 (Public Law 105–33; 111 Stat. 601)) is amended by
 24 striking “subsection (a)(3)(A)” and inserting “sub-
 25 section (a)(3)”.

1 (2) Section 403(d) of the Personal Responsibil-
 2 ity and Work Opportunity Reconciliation Act of
 3 1996 (8 U.S.C. 1613(d)) (as added by section
 4 5303(c) of the Balanced Budget Act of 1997 (Public
 5 Law 105–33; 111 Stat. 600)) is amended by strik-
 6 ing “subsections (a)(3)(A)” and inserting “sub-
 7 sections (a)(3)”.

8 **SEC. 3. FIVE-YEAR LIMITED ELIGIBILITY OF QUALIFIED**
 9 **ALIENS FOR FEDERAL MEANS-TESTED PUB-**
 10 **LIC BENEFIT.**

11 Section 403(c)(2) of the Personal Responsibility and
 12 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.
 13 1613(c)(2)) is amended by adding at the end the follow-
 14 ing:

15 “(L) Assistance or benefits under the Food
 16 Stamp Act of 1977 (7 U.S.C. 2011 et seq).”.

17 **SEC. 4. AUTHORITY FOR STATES TO PROVIDE FOR ATTRI-**
 18 **BUTION OF SPONSORS INCOME AND RE-**
 19 **SOURCES TO THE ALIEN WITH RESPECT TO**
 20 **STATE PROGRAMS.**

21 Section 422(b) of the Personal Responsibility and
 22 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.
 23 1632(b)) is amended by adding at the end the following:

1 “(8) Programs comparable to assistance or ben-
 2 efits under the Food Stamp Act of 1977 (7 U.S.C.
 3 2011 et seq).”.

4 **SEC. 5. DERIVATIVE ELIGIBILITY FOR BENEFITS.**

5 Section 436 of the Personal Responsibility and Work
 6 Opportunity Reconciliation Act of 1996 (8 U.S.C. 1646)
 7 (as added by section 5305(a) of the Balanced Budget Act
 8 of 1997 (Public Law 105–33; 111 Stat. 601)) is repealed.

9 **SEC. 6. REQUIREMENTS FOR SPONSOR’S AFFIDAVIT OF**
 10 **SUPPORT.**

11 Section 213A of the Immigration and Nationality Act
 12 (8 U.S.C. 1183a) is amended—

13 (1) in subsection (a)(1)(B), by striking “(as de-
 14 fined in subsection (e) of this section)”;

15 (2) by inserting after subsection (f) the follow-
 16 ing:

17 “(g) MEANS-TESTED PUBLIC BENEFIT DEFINED.—

18 In this section, the term ‘means-tested public benefit’ does
 19 not include assistance or benefits provided under the Food
 20 Stamp Act of 1977 (7 U.S.C. 2011 et seq).”.

21 **SEC. 7. STATUS OF CUBAN AND HAITIAN ENTRANTS.**

22 Section 6(f) of the Food Stamp Act of 1977 (7
 23 U.S.C. 2015(f)) is amended in the first sentence by insert-
 24 ing before the period at the end the following: “; or (G)
 25 an alien who is a Cuban and Haitian entrant (as defined

1 in section 501(e) of the Refugee Education Assistance Act
2 of 1980 (Public Law 96–422; 8 U.S.C. 1522 note))”.

3 **SEC. 8. EFFECTIVE DATE.**

4 This Act and the amendments made by this Act shall
5 be effective as if included in the enactment of the Personal
6 Responsibility and Work Opportunity Reconciliation Act
7 of 1996 (Public Law 104–193; 110 Stat. 2105).

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